



CASE AG/3-21900/A/AC 509/DIV 2

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Andrea DeLoachis  
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Andrea DeLoachis  
Signature

10/29/07  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

SIMON A. H. ROSE ET AL

APPLICATION NO: 10/057,423

FILED: January 24, 2002

FOR: PROCESS FOR IRRIGATION OF SOIL  
WITH WATER AND COMPOSITIONS  
WHICH PROVIDE FERTILIZATION AND  
SOIL STABILIZATION BENEFITS

Group Art Unit: 1616

Examiner: Naim Sabiha Qazi

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT**

Sir:

I, Tyler Stevenson, represent that I am the agent of record for this invention.

Ciba Specialty Chemicals Corporation, is the owner of the entire interest in the above-identified application by virtue of an assignment which was recorded in the United States Patent and Trademark Office on November 12, 1999 at Reel 010411 /Frame 0136.

The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of

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the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any statutory disclaimer, of prior Patent No.6,288,010 . The owner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and the prior patent are commonly owned, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

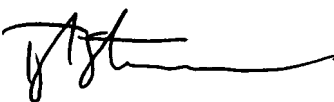
U.S. Patent No.6,288,010 is also entirely assigned to Ciba Specialty Chemicals Corporation by virtue of which was recorded in the United States Patent and Trademark Office on July 5, 2001 at Reel 011968 /Frame 0645 .

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any statutory disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed at Tarrytown, New York, this ~~29th~~ day of October, 2007.

By:



Tyler Stevenson  
Registration No.46,388  
Agent of Record